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MAY 23 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 * * * * *

11 FRANK D'AGOSTINO.

12 Plaintiff,

13 vs.

14 ROMEO ARANAS, et al.,

15 Defendants.

Case No: 3:18-CV-0337-MMD-CBC

**MOTION AND ~~PROPOSED~~ ORDER TO
WITHDRAW AS PRO BONO COUNSEL
OF RECORD**

16 Adam Hosmer-Henner, Esq. of the law firm McDonald Carano LLP ("Counsel")
17 respectfully moves this Court for an order permitting Counsel to withdraw from the limited
18 appointment as the appointed pro bono counsel for Frank D'Agostino in the above captioned
19 matter pursuant to Local Rule IA 10-6.

20 This Motion is made and based upon the following Memorandum of Points and
21 Authorities, the Notice of Termination of Counsel filed by Mr. D'Agostino, and the pleadings
22 and papers on file herein.

23 Dated May 22, 2019.

24 McDONALD CARANO LLP

25 By /s/ Adam Hosmer-Henner
26 Adam Hosmer-Henner, Esq. (NSBN 12779)
27 100 W. Liberty Street, Tenth Floor
28 Reno, NV 89501
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Attorneys for Frank D'Agostino

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to the “Notice to the Court Plaintiff’s Notice of Termination of Counsel” filed by Plaintiff Frank D’Agostino on May 21, 2019, Mr. D’Agostino indicated that he “has terminated the client attorney relationship with Hosmer-Henner, Esq. . . .” (ECF No. 87). While undersigned counsel respectfully disagrees with the statements made by Mr. D’Agostino, withdrawal is appropriate given Mr. D’Agostino’s position.

Local Rule IA 11-6(b) provides that “[n]o attorney may withdraw after appearing in a case except by leave of the court after notice has been served on the affected client and opposing counsel.” Furthermore, Local Rule IA 11-6(e) provides that “[e]xcept for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case.”

Counsel was appointed on March 20, 2019, for the limited purpose of representation during the preliminary injunction motion and hearing stage of this case. Counsel respectfully requests that the limited appointment as pro bono counsel be terminated and that withdrawal be permitted. Counsel has provided notice to Defendants’ counsel, Ian Carr, Esq., of his intention to withdraw based on Mr. D’Agostino’s Notice of Termination of Counsel and no objection thereto was raised. Furthermore, opposing counsel in this case will receive notice of this Motion to Withdraw via the CM/ECF system, pursuant to the certificate of service below and a hard copy of the Motion to Withdraw will be mailed to Mr. D’Agostino.

Withdrawal of Counsel will not result in delay of discovery, trial, or any hearings that have been set in this action.

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1 For all of the above reasons, Counsel moves the Court for an Order approving withdrawal
2 from the representation of Mr. D'Agostino in this matter.

3 Dated May 22, 2019.

4 McDONALD CARANO LLP

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6 By /s/ Adam Hosmer-Henner
Adam Hosmer-Henner, Esq. (NSBN 12779)
7 100 W. Liberty Street, Tenth Floor
8 Reno, NV 89501
9 (775) 788-2000
10 Attorneys for Frank D'Agostino

11 **ORDER**

12
13 IT IS SO ORDERED.

14 
15 _____
16 UNITED STATES DISTRICT JUDGE /
UNITED STATES MAGISTRATE JUDGE

17
18 DATED: 5/23/2019